

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, HTA and ERS.**

**REPLY OF THE COMMONWEALTH OF PUERTO RICO, PUERTO RICO
HIGHWAYS AND TRANSPORTATION AUTHORITY, AND EMPLOYEES
RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO TO RESPONSE FILED BY CLAIMANT CARMEN ELISA MEDINA
GOMEZ [ECF NO. 11442] TO THE ONE HUNDRED FORTY-FIRST OMNIBUS
OBJECTION (NON-SUBSTANTIVE) TO DEFICIENT CLAIMS ASSERTING
INTERESTS BASED UPON UNSPECIFIED PUERTO RICO STATUTES**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (“Commonwealth”), Puerto Rico Highways and Transportation Authority (“HTA”), and Employees Retirement System for the Government of the Commonwealth of Puerto Rico (“ERS”, and together with the Commonwealth and HTA, the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

“Debtors”) by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² files this reply (the “Reply”) to the response [ECF No. 11442] (the “Medina Gómez Response”), filed by Carmen Elisa Medina Gómez (“Medina Gómez”), to the *One Hundred Forty-First Omnibus Objection of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based Upon Unspecific Puerto Rico Statutes* [ECF No. 9934] (the “One Hundred Forty-First Omnibus Objection”). In support of this Reply, the Debtors respectfully represent as follows:

1. On January 14, 2020, the Debtors filed the One Hundred Forty-First Omnibus Objection, seeking to disallow certain proofs of claim that failed to comply with the applicable rules for filing a claim by not providing a basis for asserting a claim against the Commonwealth, HTA, ERS, or any other Title III Debtor (collectively, the “Deficient Claims”), each as listed on Exhibit “A” thereto. As set forth in the One Hundred Forty-First Omnibus Objection and supporting exhibits thereto, each of the Deficient Claims purport to be based on obligations owed to the applicable claimant by the Commonwealth, HTA, or ERS, but failed to provide any information identifying the source of the obligations or explaining why the Commonwealth, HTA, ERS, or any other Title III debtor are liable to the claimant.

2. Any party who disputed the One Hundred Forty-First Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on February 18, 2020, in

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

accordance with the Court-approved notice attached to the One Hundred Forty-First Omnibus Objection as Exhibit “C”, which was served in English and Spanish on the individual creditors subject to the One Hundred Forty-First Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Order Further Amending Case Management Procedures* [ECF No. 8027-1]). Pursuant to the Court’s *Order (A) Establishing Extended Deadline for Responses to Omnibus Objections Scheduled for Hearing at December 11, 2019 and January 29, 2020 Omnibus Hearings, (B) Continuing the Hearing as to Omnibus Objections Scheduled for Hearing at December 11, 2019 and January 29, 2020 Omnibus Hearings Until the April 22, 2020 Omnibus Hearing, (C) Approving Form of Notice and (D) Granting Related Relief* [ECF No. 12325], that deadline was subsequently extended until March 27, 2020 at 4:00 p.m. (Atlantic Standard Time).

3. The Medina Gómez Response was filed with the Court on February 19, 2020, and docketed as ECF No. 11442 on February 20, 2020. Therein, Medina Gómez does not dispute that her proofs of claim, which were filed against ERS on June 29, 2018, and logged by Prime Clerk as Proofs of Claim Nos. 129968 (the “First Medina Gómez Claim”) and 142010 (the “Second Medina Gómez Claim,” the “Medina Gómez Claims”), assert liabilities arising out of “Quinquenio Laboral de Sila,” and “El Romerazo Ley 89,” respectively, but do not provide critical information necessary to allow the Debtors to reconcile the Medina Gómez Claims, such as an identification of the year of the asserted law, or an explanation of the liabilities Medina Gómez contends are owed. Instead, the Medina Gómez Response requests an extension of 30 days, or until March 20, to respond and to provide any necessary documents. However, as of the date of this filing, which is nearly eight months after the deadline Medina Gómez requested, Medina Gómez has not yet provided any additional documents in support of the Medina Gómez Claims. Therefore, the Medina Gómez Claims remain deficient.

4. Accordingly, the Debtors respectfully request that the Court grant the One Hundred Forty-First Omnibus Objection and disallow the Medina Gómez Claims in their entirety.

Dated: November 13, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

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